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August 27, 2007

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BY OVERNIGHT DELIVERY

John G. Koeltl
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1030
New York, NY 10007

Re: **Frimpong v. 1199SEIU**
Index No. 07 CV 7375 (JGK)

Dear Judge Koeltl:

This firm represents the Defendant 1199SEIU United Healthcare Workers East ("1199" or "Union") in the above matter. Pursuant to your Individual Rules of Practice, enclosed please find a courtesy copy of the Union's Answer.

In addition, I write to reiterate the Union's request for permission to submit a motion to dismiss and/or a motion for summary judgment. The motion will be based on the fact that the duty of fair representation claim is time-barred, and the claim concerning the alleged failure to offer job counseling or training is either time-barred or the wrong party has been sued. We previously requested permission by letter dated August 23, 2007, but to date have not received a response to our letter.

Respectfully yours,

Levy Ratner, P.C.

David Slutsky

DS:jos

cc: **Arlen S. Yalkut, Esq., Attorney for Plaintiff (By overnight delivery w/enclosure)**

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